



UNITED STATES  
**SECURITIES AND EXCHANGE COMMISSION**  
NEW YORK REGIONAL OFFICE  
200 Vesey Street, Suite 400  
NEW YORK, NY 10281-1022

WRITER'S DIRECT DIAL LINE  
(212) 336-0077  
gizzip@sec.gov

July 31, 2018

**Via ECF**

Hon. Jesse M. Furman  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *SEC v. Madsen, et al*, 17-CV-8300 (JMF) (S.D.N.Y.)

Dear Judge Furman:

In connection with Plaintiff Securities and Exchange Commission motion for imposition of civil penalties as to Defendant John Madsen (docket no. 51), the Commission respectfully submits this letter to bring to the Court's attention a decision that was omitted from the Commission's reply brief (docket no. 54). *See CFTC v. McCrudden*, No. 10-cv-5567 (DRH), 2018 WL 1175154, at \*5 (E.D.N.Y. Mar. 6, 2018) ("Defendants' current assertion that McCrudden is not liable as a control person is wholly contrary to the relevant portions of the Consent Order and therefore will not be considered.") (citing *SEC v. Metter*, 706 F. App'x 699, 702 (2d Cir. 2017)).

Respectfully submitted,

/s/ Paul G. Gizzi

---

Paul G. Gizzi  
Brenda W.M. Chang  
John C. Lehmann

Attorneys for Plaintiff  
Securities and Exchange Commission

cc: Stuart N. Kaplan, Esq.  
Counsel for Defendant John Madsen